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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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NATURAL RESOURCES DEFENSE COUNCIL, INC.,	:
	:
Plaintiff,	:
	:
-against -	:
	:
UNITED STATES DEPARTMENT OF STATE,	:
	:
Defendant.	:
-----X	

07 Civ. 5929 (WHP)

DECLARATION OF  
JOANNE PASKAR

Joanne Paskar, pursuant to 28 U.S.C. § 1746, declares the following under penalty of perjury:

1. I am an employee of United States Agency for International Development ("USAID"). I am currently the Freedom of Information Act ("FOIA") Officer and Chief of the Information and Records Division ("IRD") of USAID. I have been a FOIA Specialist since August 1994. I have acted as the USAID FOIA Officer and IRD Division Chief since January 2000.
2. This declaration sets forth facts concerning redactions contained in document E8, which was located by the U.S. Department of State ("Department of State" or "Department") in the course of responding to the July 11, 2006 Freedom of Information Act request (the "Request") submitted by plaintiff National Resources Defense Council ("NRDC"). I make the following statements based upon my personal knowledge, which in turn is based on a personal review of the records in the USAID case file, and upon information furnished to me in the course of my official

duties.

3. Document E8 is a copy of a Cable 1534, sent April 21, 2006 from the American Embassy in Lima to the Department of State (the "Cable"). The Cable was co-drafted by USAID personnel and, thus, was referred to USAID for review by the Information and Privacy Coordinator ("IPC") of the Department of State. USAID's redactions to document E8 were made pursuant to 5 U.S.C. § 552(b)(5) ("Exemption (b)(5)"), which protects inter-agency or intra-agency documents that would not be available by law to a party other than an agency in litigation. Specifically, four sentences, contained collectively in paragraphs 1 and 11, have been withheld from plaintiff, pursuant to the deliberative process privilege incorporated into Exemption (b)(5). The remainder of the Cable has been released. (Attached hereto as Exhibit A is a true and correct copy of the Cable as now released to plaintiff.)

4. The redacted information consists of predecisional opinions of agency personnel in connection with deliberations undertaken by the Department of State and USAID as part of the decision-making process in addressing issues raised by the Government of Peru's response to the illegal logging of mahogany. Specifically, the Cable concerns facts and issues concerning how "to move Peru along a path of compliance and conservation, promoting legal trade with the United States." Ex. A, para. 18. The redacted material consists of the opinion of the writers of the Cable as to the manner in which the government of Peru and Peru's National Institute for Natural Resources ("INRENA") were handling illegal logging and issues that could arise in advance of an upcoming CITES meeting to be held in Peru. The release of this predecisional deliberative material would discourage open and frank agency discussions, and disclose opinions and recommendations which formed an integral part of the decision-making process. The information withheld does not represent

any final agency decision on the matters contained therein. Any factual information contained in the withheld material is inextricably intertwined with the agency pre-decisional deliberations and cannot reasonably be segregated therefrom.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: March 7, 2008  
Washington, D.C.

  
JOANNE PASKAR